

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2162

Introduced by Assembly Member Fox

February 20, 2014

~~An act to amend Section 1531.1 of the Health and Safety Code, relating to residential facilities. An act to add Section 13113.11 to the Health and Safety Code, relating to fire protection.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2162, as amended, Fox. ~~Residential facilities. Fire protection: residential care facilities for the elderly.~~

Existing law establishes the State Fire Marshal within the Department of Forestry and Fire Protection and sets forth its duties, including, but not limited to, administering provisions relating to inspection and approval of fire protection measures for health and community care facilities.

Existing law, with certain exceptions, prohibits a person, firm, or corporation from establishing, maintaining, or operating any hospital or other specified care facility for more than 6 guests or patients, and prohibits the operation of a residential care facility for the elderly housing nonambulatory persons that is licensed to care for more than 6 persons, unless it has, among other things, an automatic fire sprinkler or extinguishing system approved by the State Fire Marshal. Existing law generally places responsibility for enforcing State Fire Marshal building standards upon prescribed local agencies and provides for inspection fees. A violation of existing provisions related to fire protection requirements is a crime.

This bill would require a residential care facility for the elderly, as defined, that has a valid license as of January 1, 2015, to have installed and maintained on and after January 1, 2019, an operable automatic fire sprinkler system approved by the State Fire Marshal. The bill would require a residential care facility for the elderly for which a license is newly issued on or after January 1, 2018, to have an approved, operable automatic fire sprinkler system. The bill would require, by January 1, 2017, the State Fire Marshal to adopt regulations to implement the above provisions. By changing the definition of a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law defines a residential facility as any family home, group care facility, or similar facility for 24-hour nonmedical care of persons in need of personal services, supervision, or assistance for sustaining the activities of daily living or for the protection of the individual. Existing law allows a residential facility licensed as an adult residential facility, group home, small family home, foster family home, or a family home certified by a foster family agency to install and utilize delayed egress devices that preclude the use of exits for a predetermined period of time. Existing law requires the facility utilizing these devices to be subject to all fire and building codes, regulations, and standards applicable to residential care facilities for the elderly utilizing delayed egress services, among other requirements.~~

~~This bill would make a technical, nonsubstantive change to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 *SECTION 1. This act shall be known as the Residential Care*
- 2 *Facility Fire Safety Act of 2014.*
- 3 *SEC. 2. Section 13113.11 is added to the Health and Safety*
- 4 *Code, immediately following Section 13113.09, to read:*

1 13113.11. (a) As used in this section, “residential care facility
2 for the elderly” means a residential care facility for the elderly,
3 as defined in Section 1569.2, that is licensed to care for not more
4 than six residents.

5 (b) Every residential care facility for the elderly that has a valid
6 license as of January 1, 2015, shall have installed and maintained
7 on and after January 1, 2019, an operable automatic fire sprinkler
8 system approved by the State Fire Marshal that meets the
9 nationally recognized standard, pursuant to “National Fire
10 Protection Association 13D: Standard for the Installation of
11 Sprinkler Systems in One and Two-Family Dwellings and
12 Manufactured Homes,” as approved by the State Fire Marshal
13 and adopted as a building standard by the California Building
14 Standards Commission. The State Fire Marshal shall establish
15 and approve, by December 31, 2015, the design criteria for
16 automatic fire sprinkler systems to be installed in existing
17 residential care facilities for the elderly, which shall be consistent
18 with the requirements pursuant to the California Building
19 Standards Code (Section R-313 of Title 24 of Part 2.5 of the
20 California Code of Regulations). The State Fire Marshal, working
21 in conjunction with the Department of Housing and Community
22 Development, shall establish and approve by December 31, 2015,
23 the design criteria for automatic fire sprinkler systems to be
24 installed in existing residential care facilities for the elderly that
25 use a manufactured home as the facility, which shall be consistent
26 with the requirements pursuant to Article 2.5 (commencing with
27 Section 4300) of Subchapter (2) of Chapter (3) of Division (1) of
28 Title 25 of the California Code of Regulations. Notwithstanding
29 Section 13143.5, a local jurisdiction shall not require a sprinkler
30 system that exceeds this standard by amending the standard or
31 applying standards other than the standard approved by the State
32 Fire Marshal.

33 (c) Every residential care facility for the elderly for which a
34 license is newly issued after January 1, 2018, shall have installed
35 and maintained an operable automatic fire sprinkler system
36 approved by the State Fire Marshal that meets the nationally
37 recognized standard, pursuant to “National Fire Protection
38 Association 13D: Standard for the Installation of Sprinkler Systems
39 in One and Two-Family Dwellings and Manufactured Homes,”
40 approved by the State Fire Marshal and adopted as a building

1 standard by the California Building Standards Commission. The
2 State Fire Marshal shall establish and approve by December 1,
3 2015, the design criteria for automatic fire sprinkler systems to
4 be installed in new residential care facilities for the elderly, which
5 shall be consistent with the requirements pursuant to the California
6 Building Standards Code (Section R-313 of Title 24 of Part 2.5 of
7 the California Code of Regulations). The State Fire Marshal,
8 working in conjunction with the Department of Housing and
9 Community Development, shall establish and approve by December
10 31, 2015, the design criteria for automatic fire sprinkler systems
11 to be installed in new residential care facilities for the elderly that
12 use a manufactured home as the facility, which shall be consistent
13 with the requirements pursuant to Article 2.5 (commencing with
14 Section 4300) of Subchapter (2) of Chapter 3 of Division 1 of Title
15 25 of the California Code of Regulations. Notwithstanding Section
16 13143.5, a local jurisdiction shall not require a sprinkler system
17 that exceeds this standard by amending the standard or applying
18 standards other than the standards approved by the State Fire
19 Marshal.

20 (d) For purposes of complying with subdivisions (b) and (c), a
21 property owner or the property owner's agent shall determine all
22 phases of construction, including selection of a contractor,
23 improvements, and design.

24 (e) By January 1, 2017, the State Fire Marshal shall adopt
25 regulations to implement this section. These regulations shall
26 address those fire safety features no longer required of a licensee
27 after an operable automatic fire sprinkler system is installed and
28 maintained. The State Fire Marshal shall ensure that any
29 regulation developed pursuant to this section, including any future
30 changes to this section or to the standard required by this section,
31 will be reflected accurately within the California Code of
32 Regulations.

33 SEC. 3. No reimbursement is required by this act pursuant to
34 Section 6 of Article XIII B of the California Constitution because
35 the only costs that may be incurred by a local agency or school
36 district will be incurred because this act creates a new crime or
37 infraction, eliminates a crime or infraction, or changes the penalty
38 for a crime or infraction, within the meaning of Section 17556 of
39 the Government Code, or changes the definition of a crime within

1 *the meaning of Section 6 of Article XIII B of the California*
2 *Constitution.*

3 ~~SECTION 1. Section 1531.1 of the Health and Safety Code is~~
4 ~~amended to read:~~

5 ~~1531.1. (a) A residential facility licensed as an adult residential~~
6 ~~facility, group home, small family home, foster family home, or~~
7 ~~a family home certified by a foster family agency may install and~~
8 ~~utilize delayed egress devices of the time delay type.~~

9 ~~(b) As used in this section, "delayed egress device" means a~~
10 ~~device that precludes the use of exits for a predetermined period~~
11 ~~of time. These devices shall not delay any resident's departure~~
12 ~~from the facility for longer than 30 seconds.~~

13 ~~(c) Within the 30 seconds of delay, facility staff may attempt~~
14 ~~to redirect a resident who attempts to leave the facility.~~

15 ~~(d) Any person accepted by a residential facility or family home~~
16 ~~certified by a foster family agency utilizing delayed egress devices~~
17 ~~shall meet all of the following conditions:~~

18 ~~(1) The person shall have a developmental disability as defined~~
19 ~~in Section 4512 of the Welfare and Institutions Code.~~

20 ~~(2) The person shall be receiving services and case management~~
21 ~~from a regional center under the Lanterman Developmental~~
22 ~~Disabilities Services Act (Division 4.5 (commencing with Section~~
23 ~~4500) of the Welfare and Institutions Code).~~

24 ~~(3) An interdisciplinary team, through the Individual Program~~
25 ~~Plan (IPP) process pursuant to Section 4646.5 of the Welfare and~~
26 ~~Institutions Code, shall have determined that the person lacks~~
27 ~~hazard awareness or impulse control and requires the level of~~
28 ~~supervision afforded by a facility equipped with delayed egress~~
29 ~~devices, and that but for this placement, the person would be at~~
30 ~~risk of admission to, or would have no option but to remain in, a~~
31 ~~more restrictive state hospital or state developmental center~~
32 ~~placement.~~

33 ~~(e) The facility shall be subject to all of the fire and building~~
34 ~~codes, regulations, and standards applicable to residential care~~
35 ~~facilities for the elderly utilizing delayed egress devices, and shall~~
36 ~~receive approval by the county or city fire department, the local~~
37 ~~fire prevention district, or the State Fire Marshal for the installed~~
38 ~~delayed egress devices.~~

39 ~~(f) The facility shall provide staff training regarding the use and~~
40 ~~operation of the egress control devices utilized by the facility,~~

1 protection of residents' personal rights, lack of hazard awareness
2 and impulse control behavior, and emergency evacuation
3 procedures.

4 (g) The facility shall develop a plan of operation approved by
5 the State Department of Social Services that includes a description
6 of how the facility is to be equipped with egress control devices
7 that are consistent with regulations adopted by the State Fire
8 Marshal pursuant to Section 13143.

9 (h) The plan shall include, but shall not be limited to, all of the
10 following:

11 (1) A description of how the facility will provide training for
12 staff regarding the use and operation of the egress control devices
13 utilized by the facility.

14 (2) A description of how the facility will ensure the protection
15 of the residents' personal rights consistent with Sections 4502,
16 4503, and 4504 of the Welfare and Institutions Code.

17 (3) A description of how the facility will manage the person's
18 lack of hazard awareness and impulse control behavior.

19 (4) A description of the facility's emergency evacuation
20 procedures.

21 (i) Delayed egress devices shall not substitute for adequate staff.
22 Except for facilities operating in accordance with Section 1531.15,
23 the capacity of the facility shall not exceed six residents.

24 (j) Emergency fire and earthquake drills shall be conducted at
25 least once every three months on each shift, and shall include all
26 facility staff providing resident care and supervision on each shift.